

REMARKS

Applicant has amended claim 1 to include the limitation disclosed in claim 8. Therefore, Applicant claims a decontamination apparatus wherein the activator produces activating energy selected from the group consisting of electric energy and photonic energy

Additionally, Applicant has amended the specification to include the current status of the parent applications. This correction was requested by the Examiner in the Office Action.

Referencing the art rejections set forth in the Office Action, claims 1-3, 7 and 11-19 stand rejected under 35 U.S.C. 102 as being anticipated by Sangster (U.S. Patent 5,750,072). The Sangster reference is clearly directed to the use of magnetic energy to activate a sterilizing fluid (see Abstract). Applicant has amended the claims to include an activator which produces activating energy selected from the group consisting of electric energy and photonic energy. The use of electric or photonic energy has several advantages over the prior art. For example, the present invention may be used in both open and enclosed spaces. Additionally, a variety of materials may be decontaminated using Applicants apparatus, including metallic material. For these reasons, Applicant submits that the Examiner's rejection has been overcome and respectfully requests reconsideration.

Referencing the art rejection set forth in the Office Action, claims 1, 7-9, 11, 13, 15-17 and 19 stand rejected under 35 U.S.C. 102 as being anticipated by Weibel (U.S. Patent No. 5,648,046). In Weibel, a flow of air 2 is directed to an assembly 4 of air ionization electrodes.

The air is ionized by the electrodes and annihilates any microbes, viruses and similar microorganisms present in the air (see column 2, lines 18-20). Disinfectant particles are also charged in this process (see column 2, lines 20-22). However, disinfectant particles obtain an electrostatic charge by the ionization of the air (see column 2, lines 54-57). This electrostatic charge causes the disinfectant material to be deposited on the duct wall (see column 2, lines 22-25 and column 3, lines 14-15). This reference does not disclose the activation of a cleaning fluid into an activated mist. “Activation” relates to the formation of activatable species which are excited to the ion, plasma, or free radical state (see page 9, lines 3-5). These activated species may enter redox reactions with the cell walls of the microbiological organisms. For example, hydrogen peroxide is dissociated to produce hydroxyl (OH^-) and monatomic oxygen (O^-) ionic activated species. These activated species remain dissociated so that they can attack and destroy biological microorganisms. The prior art is directed only to the electrostatic charging of the disinfectant material so that it may be deposited onto the wall of the ducts. For these reasons, Applicant submits that the rejection has been overcome and respectfully requests reconsideration.

Referencing the art rejection set forth in the Office Action, claims 1, 6, 8-11, 13 and 15-19 stand rejected under 35 U.S.C. 102 as being anticipated by Peltier (U.S. Patent No. 5,382,410). The Peltier reference is directed to the application of an electrostatic charge which is applied to a liquid (see Abstract). As stated previously, the claims of the present application include the production of an “activated” cleaning fluid mist and not merely electrostatically charged materials. For this reason, Applicant submits that the rejection has been overcome and respectfully requests reconsideration.

Referencing the art rejection set forth in the Office Action, claims 1, 7-11, 14-15 and 18-19 stand rejected under 35 U.S.C. 102 as being anticipated by Barditch (U.S. Patent No. 4,704,942). The Barditch reference is directed to the application of an electrostatic charge which is applied to a liquid (see Abstract and column 1, lines 35-36)). As stated previously, the claims of the present application include the production of an “activated” cleaning fluid mist and not merely electrostatically charged materials. For this reason, Applicant submits that the rejection has been overcome and respectfully requests reconsideration.

Referencing the art rejection set forth in the Office Action, claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over any of the references applied above. Since the Applicant has given reasons for the allowance of claim 1, dependent claims 4-5 should be likewise allowed. Therefore, Applicants submits that the rejection has been overcome and respectfully requests reconsideration.

With reference to the provisional obviousness-type double patenting rejection, Applicant will submit a terminal disclaimer upon notification of allowable subject matter. Applicant asserts that it is pre-mature to file such terminal disclaimer at this time.

In view of the foregoing, Applicant respectfully submits that the art rejections are overcome by the amendment to claim 1 to restrict the invention to activating energy selected from the group consisting of electric energy and photonic energy, and that the application is now

in condition for allowance. Accordingly, favorable reconsideration and allowance of the application is respectfully requested.

Respectfully submitted,

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